

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 253 (2)

CRM-M-55146-2022

Date of decision : 13.03.2023

Jagdish Chand

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Bhinder, Advocate, for the petitioner.

Mr.Shubham Kaushik, AAG, Punjab.

Mr.J.S.Moudgill, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of GD No.50 dated 26.05.2018 registered under Section 336 IPC and Sections 27, 54, 59 of the Arms Act, 1959 in FIR No.89 dated 17.05.2018 registered under Sections 341, 323, 427, 148 and 149 IPC at Police Station City Sunam, District Sangrur and all proceedings arising therefrom qua the petitioner on the basis of a compromise dated 30.09.2022 (Annexure P-2) entered into between the parties.

On 30.11.2022 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the number of persons arrayed as accused; whether any of them is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence and as to how many victims/complainants are there in the FIR.

As directed, report dated 10.01.2023 from the Judicial Magistrate,

Ist Class, Sunam has been received as per which the parties had recorded their

statements before the Trial Court in terms of the compromise arrived at between them; only the petitioner is arrayed as the accused; he has not been declared a proclaimed offender; the compromise is genuine and that respondent No.2 is the only complainant.

Learned State counsel has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which offences are not heinous as also the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Supreme Court in *Narinder Singh vs State of Punjab* (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash GD No.50 dated 26.05.2018 registered under Section 336 IPC and Sections 27, 54, 59 of the Arms Act, 1959 in FIR No.89 dated 17.05.2018 registered under Sections 341, 323, 427, 148 and 149 IPC at Police Station City Sunam, District Sangrur and all proceedings arising therefrom qua the petitioner.

13.03.2023
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No